



Dept.: E/M

OSMM&N File No. 246923US2

By: GJM/SNS/EWT/hri

Serial No: 10/743,129

In the matter of the Application of: Katsuhiko HAYASHI

For: MAGNETORESISTIVE EFFECT ELEMENT AND MEMORY DEVICE
USING THE SAME

Due Date: N/A

The following has been received in the U.S. Patent Office on the date stamped hereo

- ☒ Dep. Acct. Order Form
- ☒ Cover Letter
- ☒ Petition Under 37 C.F.R. § 1.181(a)(3) RE: Reasons for Allowance



COPY



Date Allowed: May 4, 2005
Docket No.: 246923US2



COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/743,129
Applicants: Katsuhiko HAYASHI
Filing Date: December 23, 2003
For: MAGNETORESISTIVE EFFECT ELEMENT AND
MEMORY DEVICE USING THE SAME
Group Art Unit: 2824
Examiner: Nguyen, Dang T.

SIR:

Attached hereto for filing are the following papers:

Petition Under 37 C.F.R. § 1.81(a)(3) RE: Reasons for Allowance

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

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DOCKET NO: 246923US2

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
KATSUHIKO HAYASHI : EXAMINER: NGUYEN, DANG T.
SERIAL NO: 10/743,129 : DATE ALLOWED: MAY 4, 2005
FILED: DECEMBER 23, 2003 : GROUP ART UNIT: 2824
FOR: MAGNETORESISTIVE EFFECT :
ELEMENT AND MEMORY DEVICE
USING THE SAME

PETITION UNDER 37 C.F.R. §1.181(a)(3) RE: REASONS FOR ALLOWANCE

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicant respectfully petition in accordance with 37 C.F.R. §1.181(a)(3) to compel reconsideration by the Examiner of his/her statement of reasons for allowance (SRA).

37 C.F.R. §1.181(a)(3) allows petition to invoke the supervisory authority of the Commissioner in appropriate circumstances.

In the present case, the Examiner's SRA inappropriately mischaracterizes the invention by placing an unwarranted interpretation of the claims on record. Specifically, the Examiner erroneously states the following on page 3 of the Notice of Allowability: "the current also penetrate perpendicular to the laminate layer." This limitation does not expressly appear in any of independent Claims 1, 2, and 23 as stated by the Examiner. Consequently, this is an appropriate circumstance in which to invoke the supervisory authority of the Commissioner to compel the Examiner to reconsider his/her SRA.

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Application No. 10/743,129
Reply to Notice of Allowance of: May 4, 2005

Accordingly, it is respectfully submitted that this Petition Under 37 C.F.R.

§1.181(a)(3) be granted compelling the Examiner to reconsider his/her SRA and thereby
issue a corrected supplemental SRA.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

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